

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**DARYAL T. NELSON and TOMMY
ARMSTRONG, individually and on
behalf of all persons similarly situated**

PLAINTIFFS

V.

**No: 2:04CV00171 WRW
No: 2:05CV00134 WRW**

**WAL-MART STORES, INC; and
WAL-MART TRANSPORTATION LLC**

DEFENDANTS

ORDER

The Court heard arguments of counsel in this matter on September 25, 2007, and had previously studied the submissions by the parties, including case law, and has made the following rulings concerning the trial of this matter:

1. The matter will be heard by the Court in Little Rock without a jury. The initial stage of the trial of this matter will result in injunctive relief only if Defendant is found to have engaged in a pattern and practice of discrimination, or engaged in employment practices which result in a disparate impact. Under either Title VII or 42 U.S.C. § 1981, neither party is entitled to a jury trial at this initial stage.

2. The matter will be set for trial with alternative dates. The trial will commence on either October 6, 2008 or January 5, 2009. The final trial date will be determined at a status conference to be held on March 4, 2008 at 9:00 a.m. At that time, the parties will advise the Court concerning the status of pretrial discovery and their respective positions concerning the ability to have the matter ready for trial on October 6, 2008. The Court will, as a result of the information it receives at that time, determine the final trial date.

3. The trial will be set for a period of four weeks.

4. If the trial commences on October 6, 2008, the scheduling deadlines¹ will be:

- Expert Reports Monday, June 2, 2008
- Rebuttal Expert Reports Monday, July 7, 2008
- Discovery Cutoff Monday, August 4, 2008
- Dispositive Motions Monday, August 4, 2008
- Pretrial Disclosures Monday, September 8, 2008

5. If the trial commences on January 5, 2009, the scheduling deadlines will be:

- Expert Reports Monday, June 2, 2008
- Rebuttal Expert Reports Tuesday, September 2, 2008
- Discovery Cutoff Monday, October 6, 2008
- Dispositive Motions Monday, October 6, 2008
- Pretrial Disclosures Monday, December 1, 2008

IT IS SO ORDERED this 12th day of October, 2007

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹The deadline is 5 p.m. for each date.